

REMARKS

This Amendment is responsive to the Office Action mailed December 17, 2009. Claims 80-85 are pending. Claim 80 has been amended.

Independent Claim 80 in part recites (i) a removable multilayer protective layer consisting essentially of a polyethylene film and an adhesive layer (ii) adhered to a non-adhesive finish layer (iii) applied to a substrate. Claim 80 has been amended to more clearly recite the separate layers of the protective layer and their relationship to the finish layer.

Claims 80-85 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Weiss* in view of the newly cited reference of *Johnson* (U.S. Patent No. 5,178,924; hereafter “*Johnson*”).

Weiss discloses a single-layer film containing an adhesive that is extruded onto a paint layer covering a substrate (Col. 14, ll. 55-57). *Weiss* fails to disclose a multilayer protective layer having a separate adhesive layer having the recited adhesive, and Applicant respectfully submits that the deficiencies of *Weiss* are not overcome by *Johnson*.

Recognizing that *Weiss* does not disclose all the limitations of the claimed protective layer, *Johnson* is cited for such teaching. *Johnson* discloses a removable release liner for preventing contamination of an adhesive layer and addresses the problem of release liners detaching from tapes when stretched (Col. 1, ll.52-56). The Office relies on *Johnson* as disclosing the recited ethylene acrylic acid adhesive layer (“Weiss does not disclose the specific limitations of the protective layer. *Johnson* discloses a removable release layer made of polyethylene (Col. 4, lines 55-60), and a second layer that would function as an adhesive made of ethylene acrylic acid (Col. 4, lines 67 - Col. 5, lines 25; the friction layer adheres the release layer to above layers of similar material when in a stacked position.”)

As noted above the release liner of *Johnson* is adhered to an adhesive layer. The release liner of *Johnson* is equated with the recited multilayer protective film. However, the recited multilayer protective film is adhered to a non-adhesive finish layer; it is not adhered to an adhesive layer. Said differently, the adhesive layer of *Johnson* is not a non-adhesive finish layer (see Claim 80).

Combining the release liner and adhesive layer of *Johnson* with the film, paint and substrate of *Weiss* would yield a film-release liner-adhesive-substrate structure that would render *Weiss* inoperable. It would also leave an adhesive layer on the finish layer and not meet the limitations of the pending claims. An alternative interpretation would be to consider *Johnson*'s release liner is the finish layer, however, the finish layer is not removed and therefore does not teach or suggest the recited product.

Reconsideration for allowance of independent Claim 80 and depending Claims 81-85 is respectfully requested.

The required extension of time is hereby petitioned and payment of the fees will be made by credit card at the time of filing. However, the Commissioner is authorized to charge any deficiency, or credit any overpayment, to Gardere Wynne Sewell LLP Deposit Account No. 07-0153.

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Respectfully submitted,

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